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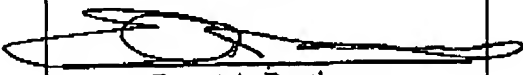
APR 23 2006

In re Application of  
Hideaki Takahashi

App. No.: 10/707589  
Filed: December 23, 2003  
Conf. No.: 1588  
Title: ROTARY ELECTRIC DEVICE  
Examiner: Y. Comas  
Art Unit: 2834  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

I hereby certify that this correspondence and all  
marked attachments are being deposited with  
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(571) 273-8300 and (571) 273-0125 on:

April 23, 2006



Ernest A. Beutler  
Reg. No. 19901

**STATUS LETTER REGARDING**  
**PETITION TO THE COMMISSIONER**

Dear Sir:

Applicant respectfully requests a response to the petition the Commissioner to exercise his supervisory authority and direct the Examiner to withdraw the finality of the Office Action, dated January 26, 2006, based on the newly cited reference Daikou 6,737,778. This petition was filed nearly two months ago and the PARE records show it still with the SPE for response.

The Examiner took the position that the citation of a new reference was necessitated by applicants amendment that allegedly raised a new issue, but cites no authority for this.

This alleged new issue amended claim 1 to include a feature clearly disclosed and thus does not raise a "new issue". In this regard, the MPEP Section 904.03 states "It is normally not enough that references be selected to meet only the terms of the claims alone, especially if only broad claims are presented; but the search should, insofar as possible, also cover all subject matter which the examiner reasonably anticipates might be incorporated into applicant's amendment."

Further more the position is particularly egregious inasmuch as the amendment made to claim 1 incorporated the subject matter previously claimed in claim 4 which was canceled. The Examiner's attention was clearly stated in the Remarks Section where it was stated "claim 1 has been amended to incorporate the features of original claim 4".

This is just another case where the Examiners lie in the weeds based on a cursory search and then cite new, more relevant art and then make the rejection Final so that applicants can not respond as a

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matter of right.

The shortened three month period for response will expire shortly and applicant should not have to pay extension fees for the Office's delays.

Respectfully submitted:



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